

# **In the Court of Appeals of the State of Alaska**

**John Olson III,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-12892**

## **Order**

Date of Order: **9/17/2019**

---

Trial Court Case No. **4HB-16-00156CR**

In April 2017, John Olson III pleaded guilty to third-degree sexual abuse of a minor and first-degree harassment. One of his probation conditions requires that he successfully complete sex offender treatment. The condition also provides that if he denies responsibility for his sexual behavior, which would make him ineligible for sex offender treatment in Bethel, he would be required to attend a “denier’s group” in Anchorage.

Olson filed a notice of appeal listing one point: “The court erred in imposing a probation condition requiring him to reside in Anchorage if he does not admit to conduct which he has not admitted to, or for which he entered a guilty plea.” In September 2018, Olson’s appellate counsel filed a motion and affidavit asking for an extension of time to file the opening brief. Counsel informed this Court that, according to Olson’s treatment provider, he had taken responsibility for his crime and was participating in sex offender treatment in Bethel. Counsel also notified this Court that Olson’s treatment was expected to last another four months and his probation officer said she would remove the condition requiring attendance of a denier’s group in Anchorage after Olson completed treatment in Bethel. This Court granted the extension until April

John Olson III v State of Alaska - p. 2  
File No. A-12892  
September 17, 2019

8, 2019, pointing out that Olson was really seeking a motion to stay.

In February, counsel filed a motion to extend the stay explaining Olson had been taken into custody on another matter and requesting to stay the appeal until six months after his release from prison to allow him to complete sex offender treatment in Bethel. This Court granted the stay until October 8, 2019.

Currently before the Court is Olson's second request to extend the stay. The motion states that Olson's release date is September 2, 2020, and he asks for six months from that date to allow him to complete treatment in Bethel.

We decline to stay this appeal for another year and half. Olson's probation condition only requires him to attend a denier's group in Anchorage if he is ineligible for treatment in Bethel. Counsel's September 20, 2018 affidavit states that Olson took responsibility for his conduct and engaged in treatment in Bethel. Thus the circumstance that would have triggered the condition Olson seeks to appeal has not come to pass and it appears this issue is moot. If, for some reason, after his release from prison, Olson is no longer eligible for treatment in Bethel and ordered to move to Anchorage to attend a denier's group, he may move to modify the condition in the trial court pursuant to AS 12.55.090(b). If the court refuses to modify the condition, he may appeal that decision to this Court.

For these reasons, we **DENY** the motion for extension of stay. Olson has 30 days from the current due date, or until November 1, 2019, to either file an opening brief or a motion to dismiss the appeal pursuant to Appellate Rule 511(c).

Entered at the direction of Chief Judge Allard.

John Olson III v State of Alaska - p. 3  
File No. A-12892  
September 17, 2019

Clerk of the Appellate Courts

---

Sarah Anderson, Deputy Clerk

**Distribution:**

Mail:  
Kamm, Marilyn J  
Beach, Ruthanne B.